
OLR Bill Analysis

HB 6444

AN ACT CONCERNING COUNTERFEIT CONTROLLED SUBSTANCES.

SUMMARY:

This bill requires the consumer protection commissioner, with the Commission on Pharmacy's assistance, to adopt regulations prohibiting any person from knowingly purchasing, trading, selling, or transferring a counterfeit controlled substance. The bill makes violations of these regulations punishable by a civil fine of up to \$10,000 for each violation.

EFFECTIVE DATE: January 1, 2014

COUNTERFEIT CONTROLLED SUBSTANCE

The bill defines "counterfeit substance" as a controlled substance which, or the container or labeling of which, without authorization, bears the trademark; trade name; or other identifying mark, imprint, number, device, or likeness of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed or dispensed the substance. It defines "controlled substance" as any schedule I, II, III, IV, or V drug, substance, or immediate precursor.

BACKGROUND

Prohibitions Concerning Drugs under the Uniform Food, Drug, and Cosmetics Act

The law generally prohibits:

1. selling or receiving misbranded drugs in intrastate commerce, or misbranding drugs;
2. forging or counterfeiting any mark, label, or other identification required by state or federal regulations to be on

a drug;

3. placing any trademark, trade name, identifying mark, or any likeness thereof, upon the container of any drug, with intent to defraud;
4. selling, dispensing, disposing of, concealing, or keeping any drug, with knowledge that a trademark, trade name, other identifying mark, or any likeness thereof, has been placed on the drug in a prohibited manner; or
5. making, selling, disposing of, keeping, or concealing any printing technology or tool designed to print a trademark, trade name, other identifying mark, or any likeness thereof, upon any drug, with intent to defraud (CGS §21a-93).

A drug is misbranded, among other ways, if the drug or its container is (1) made to be misleading, (2) an imitation of another drug, or (3) offered for sale under the name of another drug.

Violation of any of these prohibitions is punishable by up to six months imprisonment, a fine of up to \$500, or both. Any subsequent violation or a violation done with intent to defraud or mislead is punishable by up to one year imprisonment, a fine of up to \$1000, or both.

COMMITTEE ACTION

General Law Committee

Joint Favorable

Yea 16 Nay 2 (03/12/2013)